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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/064,292
Filing Date: June 28, 2002
Appellant(s): KNIGHT ET AL.

Thomas D. Fortenberry
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/01/06 appealing from the Office action mailed 07/06/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,874,126	Lapidous	03/2005

7,142,205	Chithambaram et al.	715/810

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5-8, 9 and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Lapidous [US. 6,874,126].

As to claims 1 and 9, Lapidous teaches a computer implemented method and corresponding apparatus for having a display screen, a switch, and a pointing device for moving a cursor image on the display screen comprising program instructions for performing the steps of displaying an object (figure 3A, 325) on the display screen (figures 2, 3A-B, "More information" region (320), column 6, lines 3-5 and column 7, line 65 through column 8, line 7); displaying a tooltip on the display screen in response to the positioning of the cursor image over the object (figure 3, tooltip 315, the tooltip (315) is displayed when the cursor (340)

is within the predefined control region (320), column 7, lines 40-46); continuing to display the tooltip in response to the movement of the cursor from the object to the tooltip (figures 3A-B, the tooltip (315) is still displayed while the cursor (330) is moving forward to the tooltip to select the link (310)).

As to claims 3, 6 and 14, Lapidous discloses performing the step of removing the tooltip from the display screen in response to the movement of the cursor both off the object and off the tooltip (column 6, lines 9-10 and lines 50-54).

As to claims 5, 7, 8, and 15-16, Lapidous also discloses the tooltip including a hyperlink displayed within the tooltip (figure 2, the link "ABC book club"), further comprising program instructions for performing the step of displaying on the display screen linked data in response to the cursor being positioned over the hyperlink within the tooltip and the activation of the switch (figure 2, 205, column 6, lines 62-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 4 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapidous [US. 6,874,126].

As to claims 2 and 10, Lapidous also fail to clearly teach the tooltip having an overlapping portion that overlaps the object on the display screen and a non-overlapping portion that does not overlap the object on the display screen and further the step of continuing to display the tooltip being in response to the movement of the cursor from the object to the overlapping portion of the tooltip, followed by the movement of the cursor from the overlapping portion to the non-overlapping portion of the tooltip.

However, Lapidous teaches a predefined control region (320) contains the object "More information" (325) (figures 3A-B). Besides, the tooltip (315) is still displayed while the cursor (330) is moving forward to the tooltip to select the link (310). It would have been well known in the computer art that the Lapidous's system suggests the tooltip having an overlapping portion that overlaps the object on the display screen and a non-overlapping portion that does not overlap the object on the display screen and further the step of continuing to display the tooltip being in response to the movement of the cursor from the object to the overlapping portion of the tooltip, followed by the movement of the cursor from the overlapping portion to the non-overlapping portion of the tooltip.

Motivation of the combining would have been to give user extra time to obtain additional information from the tooltip.

As to claim 11, Lapidous discloses performing the step of removing the tooltip from the display screen in response to the movement of the cursor both off the object and off the tooltip (column 6, lines 9-10 and lines 50-54).

As to claims 4 and 12-13, Lapidous also discloses the tooltip including a hyperlink displayed within the tooltip (figure 2, the link "ABC book club"), further comprising program instructions for performing the step of displaying on the display screen linked data in response to the cursor being positioned over the hyperlink within the tooltip and the activation of the switch (figure 2, 205, column 6, lines 62-67).

(10) Response to Argument

The Lapidous's reference discloses:

Lapidous at column 3, lines 5-55, shows that controlling the display of supplemental content on a computer screen includes detecting that the supplemental content is displayed on the computer screen. The display of the supplemental content is controlled by a cursor positioned relative to a first predefined region. The method further includes triggering display of an interface element associated with the supplemental content when the cursor is positioned inside the predefined first region, defining a second region that covers at least a portion of the interface element and the current position of the cursor, and continuing the display of the supplemental content upon detecting that the cursor is positioned outside of the first region but within the second region.

Lapidous's method also teaches that controlling the display of supplemental content on a computer screen includes detecting that the supplemental content is visible on the computer screen, and displaying an interface element associated with the visible supplemental content upon detecting an occurrence of an event related to a cursor motion. The event related to the cursor motion is either a reduced cursor motion or a lack of the cursor motion for a predefined time period. The method further includes defining a control region that covers at least a portion of the interface element and a current position of the cursor, and canceling the display of the supplemental content upon detecting that the cursor is positioned outside of the control region.

Lapidous's method further teaches that controlling the display of supplemental content on a computer screen includes detecting an occurrence of at least one event related to a cursor motion while the supplemental content is visible on the computer screen, identifying location of the cursor at the time the occurrence was detected, and defining a control region covering the identified location of the cursor. The control region has at least one border segment located at a predefined distance from the identified location of the cursor. The method further includes canceling the display of the supplemental content upon detecting that the cursor is positioned outside of the control region.

Appellant has argued the following points:

1) Lapidous does not disclose continuing to display the tooltip in response to the movement of the cursor from the object to the tooltip.

2) The Final Office Action relies on Official Notice not available to the Examiner.

The examiner disagrees for the following reasons:

1) Lapidous at column 7, lines 38-46, discloses that the supplemental content becomes visible when the cursor is detected inside the predefined control region. Referring to figure 3A, the supplemental content of tool tip 315 becomes visible when the cursor 330 is positioned inside predefined control region 320. When the cursor 330 is moved from object 325 toward to the tooltip 315 (but the cursor is still inside the predefined control region 320), the tooltip is still displayed on the display 305.

Claims 1 and 9 claim "continuing to display the tooltip in response to the movement of the cursor from the object to the tooltip", This limitation is very broad and is not clearly defined in the original specification. Moreover, this limitation does not require the cursor to be located inside the tooltip. The claims just require the cursor being moved from the object to the tooltip. Lapidous at column 7, lines 38-46, teaches the tool tip 315 becomes visible when the cursor 330 is positioned inside predefined control region 320. Therefore, the cursor 330 is moved from the object 325 toward to the tooltip and whenever the cursor is still within the predefined control region 320, the tooltip is still displayed on the display 305.

2) Appellant states that Lapidous at column 2, lines 19-34, the prior art teaches the removal a displayed tool tip from the screen when the cursor moves into the area of the tool tip or exits a screen region associated with a related link or an

interface element. Lapidous, therefore, contradicts the statement in the Final Office Action that it is well known in the art to continue to display the tool tip is in response to the movement of the cursor from the object to the overlapping portion of the tool tip, followed by the movement of the cursor from the overlapping portion to the non-overlapping portion of the tool tip.

However, Lapidous's statement at column 2, lines 19-34, is from the **"Background of the Invention"** of the Lapidous's system. So, the limitations of claims 2 have not been found to be patentable over the Lapidous's system. In response to appellant's request for an evidentiary reference to support the examiner's taking of Official Notice, the examiner provides Chithambaram et at. (U.S. Patent No. 7,142,205). Chithambaram et al. teach the feature of "the tool tip having an overlapping portion that overlaps the object on the display screen, and a non-overlapping portion that does not overlap the object on the display screen" at column 12, line 40 through column 13, line 45.

The Chithambaram 's reference discloses:

The system discloses navigation the displayed map using movements of a stylus. When a single gesture input is received from a stylus, various functions and/or actions may be invoked. When a user drags a stylus more than a minimum distance, the system interprets the dragging as an attempt to pan the displayed map. Accordingly, the map is panned based on the stylus drag.

If the stylus was not dragged a minimum distance, it indicates that the user has tapped the map with a possible attempt to select a map object or

button. If a zoom button was selected, the single tap gesture results in either zooming out or in on the map depending on the button selected.

If the user has tapped and selected a map object, a ToolTip associated with the map object may be displayed. The ToolTip may contain text or a link to a URL or file associated with the selected map object. If the ToolTip contains a URL or link, the text displayed in the ToolTip may be underlined or differentiated from standard text to indicate further action is possible. Once a ToolTip containing a link has been displayed, the application may wait for further action from the user. Further, if the user taps the link or ToolTip containing the link, the application may navigate the user to the link associated with the ToolTip, if any. Such navigation may comprise invoking another application (e.g., a web browser application).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Mylinh Tran

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